

Permitting & Assistance Branch Staff Report
Modified Solid Waste Facilities Permit for EDCO Recycling
SWIS No. 37-AA-0964
December 7, 2015

Background Information, Analysis, and Findings:

This report was developed in response to the County of San Diego Department of Environmental Health, Solid Waste Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit (SWFP) for EDCO Recycling, SWIS No. 37-AA-0964, located in Lemon Grove, and operated by EDCO Disposal Corporation and owned by Dalbergia Street Properties, LLC. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on October 23, 2015. A new proposed permit was received on November 17, 2015. Action must be taken on this permit no later than January 16, 2016. If no action is taken by January 16, 2016, the Department will be deemed to have concurred with the issuance of the proposed modified SWFP.

Proposed Changes:

The following updates to the first page of the permit are being proposed:

	Current Permit (2010)	Proposed Permit
Name of Owner	EDCO Disposal Corporation	Dalbergia Street Properties, LLC
Enforcement Agency Address	P. O. Box 129261 San Diego, CA 92112-9261	5500 Overland Ave., Suite 170 San Diego, CA 92112-9261

Other Changes include:

Revisions to the following sections of the SWFP: "Findings," "documents that describe and/or restrict the operation of the facility", and "LEA Conditions" including the rewording, additions and/or deletions for the purpose of updating and/or clarifying.

Key Issues

The proposed permit updates the LEA's address, correctly identifies the name of the owner; provides current references to supporting documents; and approves the updated Transfer Processing Report, dated July 2015. There will be no changes in the operating days/hours, permitted area, or permitted daily tonnage.

Background:

EDCO Recycling was first issued a Temporary Permit in June 2008; then in June 2010 the LEA issued a New Full SWFP for a Large Volume Transfer/Processing Facility. The

facility accepts recyclables generated by the City of Lemon Grove and other communities. The facility is limited to receiving only commingled source separated recyclable materials. The material is fed via a conveyor system that distributes onto a series of sort stations that include manual and mechanized recovery of separated commodities, which drop into large volume bunkers directly underneath the sort stations. After separation, recyclables are sent to end use markets and the residual is placed into transfer units for final disposal.

Findings:

Staff recommends concurrence in the issuance of the proposed modified SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated October 23, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on June 18, 2015. The LEA provided a copy to the Department on June 18, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on November 17, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on October 23, 2015, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Compliance Unit found the facility is identified in the Nondisposal Facility Element, as described in their memorandum dated November 5, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on November 10, 2015. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on October 23, 2015, that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was not required to be held since this is a proposed permit modification, not a new or revised permit. A public notice was posted by the LEA on August 24, 2015. No written comments were received by LEA or Department staff. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed modified SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on November 10, 2015, and found that the facility is in compliance with applicable state minimum standards and permit conditions.

Below are the details of the transfer station's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2015 – January through November - No violations were noted.
- 2014 – 2010 – No violations were noted.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must make a determination as to whether this modified SWFP is categorically or statutorily exempt or additional CEQA analysis is necessary.

The proposed changes are to: update the LEA's mailing address; correctly identify the name of the owner, update references to supporting documents; and approve the updated Transfer Processing Report. There will be no changes to the operating days/hours, permitted area, or permitted daily tonnage.

The County of San Diego Department of Environmental Health, Solid Waste Local Enforcement Agency, acting as the Lead Agency, determined that pursuant to Title 14, California Code of Regulations (14 CCR), Section 15301 a Categorical Exemption –

Existing Facilities is adequate to fulfill CEQA requirements for this proposed SWFP modification. A Notice of Exemption will be filed with the County of San Diego County Clerk and the State of California Office of Planning Research [State Clearinghouse] upon issuance of the modified SWFP by the LEA. The LEA has provided a finding that the proposed modified SWFP is consistent with and supported by the cited environmental documentation.

Department staff have determined that a Categorical Exemption, 14 CCR Section 15301 – Existing Facilities, is adequate for the Department's concurrence of this modified SWFP, in that the proposed permit is to be issued to an existing facility that will not expand its operations from those authorized under the current permit that the LEA issued in 2010. Further, there are no grounds under CEQA for the Department to prepare an environmental document or assume the role of Lead Agency for its consideration of the proposed modified SWFP.

Department staff further recommends the Categorical Exemption is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and authority, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed modified SWFP and all of its components and supporting documentation, this staff report, the Notice of Exemption, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed modified SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

A public notice was posted by the LEA on August 24, 2015. No verbal or written comments were received by the LEA or Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on November 17, 2015. No comments have been received by Department staff.